IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 25482 of 2007(S)

PETITIONER:
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1. SOUND SERVICE ASSOCIATION OF KERALA,
   DISTRICT COMMITTEE,
   IDUKKI, (REG.NO.I-188/93)
   REP.BY ITS SECRETARY, SABU K.JOSEPH,
   S/O.JOSEPH K.M., AGED 40 YEARS,
   R/AT KOCHUTHOTTATHIL HOUSE, VALIYAKANDOM,
   KATTAPPANA, IDUKKI DISTRICT.

2. K.S.ASHARAF,
   S/O KAREEM, AGED 37 YEARS,
   R/AT KUNJANPARAMBIL HOUSE, VENGALLUR,
   THODUPUZHA, IDUKKI DISTRICT.

3. VIJAYAKUMAR K.K.,
   S/O.KRISHNANASSARI,
   AGED 48 YEARS, R/AT PUTHENVEEDU,
   NEDUMKANDAM P.O., IDUKKI DISTRICT.

BY ADV. SRI.TOM JOSE
SMT.GEETHA JOB(OZHUKAYIL)

RESPONDENTS:
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1. STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY,
   HOME DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
   THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
   IDUKKI DISTRICT, PAINAVU, IDUKKI.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
   KATTAPANA, IDUKKI DISTRICT.

5. THE KERALA STATE POLLUTION CONTROL BOARD,
   REPRESENTED BY ITS SECRETARY,
   THIRUVANANTHAPURAM.

BY SPL. GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C)No. 25482 OF 2007

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Dated this the 25th September, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The first petitioner is an association. Petitioners 2 and 3 are members of the first petitioner-association. They are before this court seeking for appropriate directions to the respondents-authorities.

2. It is the grievance of the petitioners in this Writ Petition, that the respondents are not considering their application for grant of permission to use loud speakers in public places. Therefore, they request this court to issue appropriate directions to the respondents-authorities to consider their applications and pass appropriate orders.

3. Two questions would arise for consideration and decision of this court. First question is, whether the first petitioner-association can expose the cause of other members, on the touch-stone of Articles 14 and 19(g) of the Constitution of India. It is now well settled by various decisions of the Apex Court that an association does not have a fundamental right. Therefore, they cannot file a petition of this nature before this court. In that view of the matter, in our opinion, the first petitioner-association cannot maintain a petition of this nature before this court.

4. So far as petitioners 2 and 3 are concerned, their grievance is that though they have filed appropriate applications before the respondents-authorities for grant of permission to use loud speakers in public places, their

applications have not been considered by the respondents. Exposing the inaction on the part of the respondents-authorities, petitioners 2 and 3 are before this court.

5. In our opinion, if for any reason, petitioners 2 and 3 are aggrieved by the inaction on the part of the respondents, they have to file appropriate applications before appropriate forums seeking for appropriate reliefs. The reliefs sought for in this Writ Petition cannot be granted by us. In that view of the matter, we do not see any good ground to entertain this Writ Petition. Accordingly, the Writ Petition requires to be rejected and it is rejected.

6. However, liberty is reserved to the petitioners 2 and 3 to file appropriate applications seeking for appropriate reliefs before the appropriate forums.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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